

UTILITY [X] DESIGN []

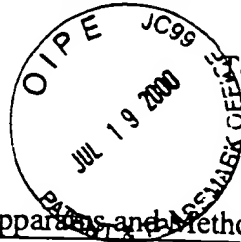
Application Serial No.: 08/466,894

Client/Matter: 05634.000276

Inventor(s): John C. Harvey and
James W. Cuddihy

Client: Personalized Media Communications, LLC

Atty/Sec.: TJS/cal



Today's Date: 7/19/00

Filing Date: June 6, 1995

Title: Signal Processing Apparatus and Methods

The following has been received in the U.S. Patent and Trademark Office
on the date stamped hereon:

- (1) *Transmittal Letter; and*
- (2) *Amendment and Request for Reconsideration Under 37 C.F.R. § 1.116
(Amendment Appendices A-D)*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re Application of:

John C. Harvey and James W. Cuddihy:

Group Art Unit: 2737

Serial No.: 08/466,894

Examiner: Harvey, D.

Filed: June 6, 1995

Atty. Docket: 05634.0276

**For: SIGNAL PROCESSING APPARATUS
AND METHODS****TRANSMITTAL LETTER****BOX: AFTER FINAL**Assistant Commissioner of Patents
Washington, D.C. 20231☒ Response under 37 C.F.R. § 1.116☐ Request for Extension of Time Pursuant to 37 C.F.R. § 1.136(a)☐ An additional claim fee is required, and is calculated as shown below:

	(Col 1)		(Col 2)	(Col 3)		
	Claims Remaining After Amendment		Highest No. Previously Paid for	Present Extra	Rate	Additional Fee
Total	*127	Minus	**127	=0	x \$ 18.00	\$0.00
Indep.	*18	Minus	***18	=0	x \$ 78.00	\$0.00
First Presentation of Mult. Dep. Claim					x \$ 260.00	\$0.00
Total Additional Filing Fee for Request for Extension of Time						\$0.00
Total Fee Enclosed						\$0.00

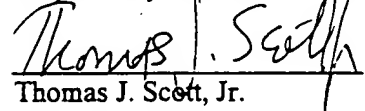
* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space. "The Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☐ Hunton & Williams check no. _____ in the amount of \$0.00 is enclosed.☒ The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 50-0206.☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Thomas J. Scott, Jr.

Reg. No. 27,836

Donald J. Lecher

Reg. No. 41,933

Attorneys for Applicants

Tel: (202) 955-1938

Date: July 19, 2000

HUNTON & WILLIAMS

1900 K Street, N.W.

12th Floor

Washington, D.C. 20006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

John C. Harvey and James W. Cuddihy

Serial No. 08/466,894

Filed: June 6, 1995

For: **SIGNAL PROCESSING APPARATUS
AND METHODS**

Examiner: Harvey, D.

Group Art Unit: 2737

Atty. Docket. 05634.0276

BOX: AFTER FINAL

Assistant Commissioner for Patents
Washington, D.C. 20231

**AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER
37 C.F.R. § 1.116**

Table of Contents

I. AMENDMENTS.....	4
A. TO THE SPECIFICATION	4
B. TO THE CLAIMS	4
II. REMARKS.....	77
A. INTRODUCTION	77
1. <i>Claim Accounting</i>	78
2. <i>Summary of May 19, 2000 Office Action</i>	78
B. APPLICANTS HAVE COMPLETED THE CONSOLIDATION OF RELATED APPLICATIONS AS AGREED	84
C. RESPONSE TO REQUEST TO IDENTIFY THE MOST RELEVANT ART	84
D. RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 112.....	85
1. <i>The Claims Comply With 35 U.S.C. § 112, second paragraph</i>	85
a) <i>Informalities in the disclosure stand corrected</i>	85
b) <i>Claims 2-303 are Definite as Amended</i>	85
(1) <i>Claim 2</i>	86
(2) <i>Claims 3-5</i>	86
(3) <i>Claim 8</i>	88
(4) <i>Claim 9</i>	88
(5) <i>Claim 12</i>	89
(6) <i>Claim 13</i>	89
(7) <i>Claim 14</i>	89
(8) <i>Claim 15</i>	90
(9) <i>Claim 16</i>	90
(10) <i>Claim 17</i>	90
(11) <i>Claim 18</i>	90
(12) <i>Claims 19-22</i>	91

(13)	Claim 23.....	91
(14)	Claim 24.....	91
(15)	Claim 25.....	92
(16)	Claim 26.....	92
(17)	Claim 27.....	93
(18)	Claim 28.....	93
(19)	Claim 31.....	93
(20)	Claim 32.....	94
(21)	Claim 36.....	94
(22)	Claim 41.....	95
(23)	Claim 48.....	95
(24)	The Remaining Claims.....	95
c)	The terms "Program" and "Programming" are definite	96
d)	The Claim do not have Terms with Conflicting Definitions from the Parent Disclosure and the Instant Disclosure.....	100
2.	<i>Response to Rejections under §112, first paragraph.....</i>	<i>100</i>
a)	Response to Written Description Rejections.....	100
(1)	"One Combined Medium" (pages 19-28)	104
(2)	"The Signal Processor" through "The Normal Transmission Location" (pages 28-86) and "The Preferred Configuration of Controller, 39, and SPAM-Controller, 205C." (pages 156-162).....	106
(3)	"Operating Signal Processor Systems ... Introduction" through "Operating Signal Processor Systems ... Signal Record Transfer" (pages 86-278).....	107
(4)	"Regulating the Reception and Use of Programming ... including Example #6" and "... Example #7" (pages 278-312) as well as "... More on Example #7 ... Combining ... Automatically to the Computer System ..." (pages 427-447).....	109
(5)	"Monitoring Receiver Station Reception and Operation" (pages 312-324).....	110
(6)	"Automating Intermediate Transmission Stations" (pages 324-390) including "Example #8" (pages 340-354).....	110
(7)	Examples #9 and #10 (pages 354-390 & 469-516): "Automating Intermediate ... Station Combined Medium Operations" (pages 354-374 of Example #9) and "Network Control of Intermediate Generating and Embedding" (pages 374-390 of Example #10).....	112
(8)	Automating Ultimate Receiver Stations (pages 390-427) ... Regulating Station Environment (pages 396-406) ... Coordinating a Stereo Simulcast (pages 406-419) ... Receiving Selected Programming (419-427)	114
(9)	More Disclosure in the Context of "Wall Street Week" (pages 427-469).....	115
(a)	More on Example #7 (pages 427-447)	115
(b)	Controlling Combined Medium Operations (pages 447-457)	116
(c)	Transmitting Program Instructions Sets (pages 457-463).....	116
(10)	Audio Overlays and Other Overlays (pages 463-468).....	116
(11)	Examples #9 and #10 Continued – Viewer/Listener Station Functionalities (pages 469-516)	117
(12)	Preprogramming Receiver Station Operating Systems (pages 516-532) and The Preferred SPAM Header (pages 532-533).....	118
(13)	The General Case ... Summary Example #11 (pages 533-557).....	118
(14)	Conclusion	119
b)	The Specification Enables One Skilled in the Art to Make and Use the Invention.....	120
(1)	"Digital" is Enabled by the Specification.....	121
(2)	"Data" is Enabled by the Specification	122
c)	The Best Mode of Practicing the Claimed Invention Contemplated by Applicants is Disclosed in the Specification.....	124
E.	RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 102.....	127
1.	<i>Rejection under 102 (b) over Applicants' U.S. Pat. Nos. '490 & '725.....</i>	<i>127</i>
2.	<i>"The Weather STAR" Manual is Unavailable as Prior Art.....</i>	<i>129</i>
3.	<i>Flynn Fails to Anticipate Claim 2.....</i>	<i>129</i>
4.	<i>Chiddix Fails to Anticipate Claim 3.....</i>	<i>130</i>
5.	<i>Chiddix fails to Anticipate Claim 8.....</i>	<i>131</i>
6.	<i>Kamishima Fails to Anticipate Claim 25.....</i>	<i>132</i>
7.	<i>Kamishima Fails to Anticipate Claim 31.....</i>	<i>133</i>
8.	<i>Corey Fails to Anticipate Claim 64.....</i>	<i>134</i>
F.	RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 103.....	135
1.	<i>Kazama Fails to Show or Suggest the Method of Claim 2.....</i>	<i>135</i>

2.	<i>Chiddix in View of Fails to Show or Suggest the Method of Claim 3</i>	137
3.	<i>Chiddix in View of Fails to Show or Suggest the Method of Claim 8</i>	138
4.	<i>Keiser in View of Vikene Fails to Show or Suggest the Method of Claim 3</i>	140
5.	<i>Mothersole and Betts Fail to Show or Suggest the Method of Claim 13</i>	141
6.	<i>Chiddix in View of Germany Fails to Show or Suggest the Method of Claim 18</i>	143
7.	<i>Mothersole and Betts Fail to Show or Suggest the Method of Claim 18</i>	145
8.	<i>Mothersole in View of Teletext Specification Fails to Show or Suggest the Method of Claim 23</i>	146
9.	<i>Haselwood Fails to Show or Suggest the Method of Claim 31</i>	149
10.	<i>Haselwood Fails to Show or Suggest the Method of Claim 41</i>	151
11.	<i>Haselwood Fails to Show or Suggest the Method of Claim 46</i>	152
12.	<i>The Rejection over WO 89/02682 is improper</i>	153
13.	<i>The Rejection over Greenberg in view of Galumbeck is improper</i>	154
14.	<i>The Rejection over Jeffers is improper</i>	154
15.	<i>The Rejection over Hazelwood in view of Yamane and Australian Document No. 74,619 is improper</i>	155
16.	<i>The Rejection over Campbell in view of Breeze, Schnee, or Zaboklicki is improper</i>	157
17.	<i>The Provisional Rejection over Numerous References is improper</i>	159
G.	RESPONSE TO EXAMINER'S ADMINISTRATIVE REQUIREMENT	161
H.	RESPONSE TO OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION	161
1.	<i>The Scope of the Double Patenting Doctrine</i>	164
2.	<i>Patent Office Procedure</i>	165
3.	<i>Nonstatutory Double Patenting</i>	166
a)	Standard for Determining One-Way Obviousness-Type Double Patenting	167
(1)	Identifying the Inventions Claimed	169
(a)	Scope of the Inventions as Defined by the Claim Language	169
(b)	Proper Use of Specification	170
(2)	Establishing Variations between the Invention Claimed and the Invention Defined in the Patent Claims	172
(3)	Variations Would Have Been Obvious to a Person of Ordinary Skill in the Art	173
4.	<i>Conclusion</i>	176
I.	RESPONSE TO OBJECTION TO THE SPECIFICATION	177
J.	RESPONSE TO ALLEGATION OF DEFECTIVE OATH/DECLARATION	179
III.	CONCLUSION	180